

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

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|-----------------------|---|--------------------------------|
| EVELYN SOKOL KEMPTON, | § | |
| | § | |
| Plaintiff, | § | |
| VS. | § | MISC. ACTION NO. 2:13-MC-00121 |
| | § | |
| JC PENNEY'S CO., | § | |
| | § | |
| Defendant. | § | |

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION
TO DENY APPLICATION TO PROCEED *IN FORMA PAUPERIS*
AND TO DISMISS CLAIMS**

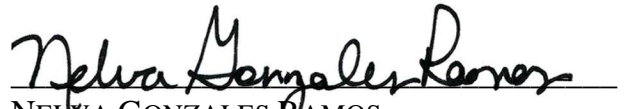
On April 18, 2013, United States Magistrate Judge Brian L. Owsley issued his “Memorandum and Recommendation to Deny Application to Proceed *In Forma Pauperis* and to Dismiss Claims” (D.E. 3). The Plaintiff was provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been filed.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s Memorandum and Recommendation (D.E. 3), and all other relevant

documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Application to Proceed *In Forma Pauperis* (D.E. 1) is **DENIED** and the Complaint (D.E. 1-2) is **DISMISSED** as frivolous.

ORDERED this 7th day of May, 2013.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE